

Cascade County Zoning Board of Adjustment

Application for Variance/Appeal

Cascade County Public Works Department
Planning Division
121 4th St No, STE 2H/I, Great Falls MT 59401
Phone: 406-454-6905 Fax: 406-454-6919

\$250.00 Non Refundable Application Fee

Payment: Check (#) _____

Cash ☒

OFFICE USE ONLY

Variance: ☒ Appeal: _____

Date Application Received: 12-18-2018

Date of Zoning Board Decision: _____

Zoning Board Decision: _____

Applicant/Agent: ZACH HARSH / MARK LEO

Mailing Address: 55 COMANCHE TRAIL, GREAT FALLS 59401

Home Phone: 406-690-8443

Work Phone: _____

Cell Phone: _____

Owner(s) if different from applicant: _____

Mailing Address: _____

Home Phone: _____

Work Phone: _____

Cell Phone: _____

Property Address: 55 COMANCHE TRAIL

Sec 26 T 20 N R 3E

Lot(s) _____ Blk _____

Geo Code: 02-3015-26-3-03-33-0000

Parcel # MKJ1-2472900

Please take notice that the undersigned was denied a permit and seeks a variance or an appeal of the Zoning

Administrator's decision related to the following activity: Property line too close to proposed structure. Regulations (7.1.0.3) Require 30 ft Front Yard Setback.

FOR VARIANCE REQUEST ONLY (may attach documentation)

Indicate below or attach separate pages showing how your application meets the legal criteria for a variance. (A variance is authorized only for height, area, and size of structure, size of yards and open spaces, signage, landscaping, or as otherwise specifically provided for in the Cascade County Zoning Regulations. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.)

1) Explain how this variance request from the Cascade County Zoning Regulations will not be contrary to the public interest.

(SEE ATTACHED)

2) Describe where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

(SEE ATTACHED)

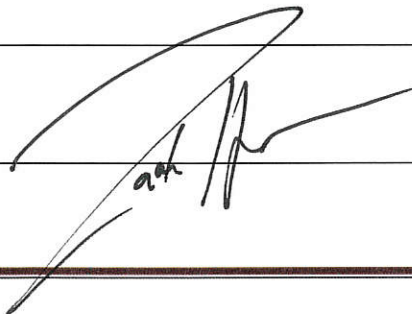
3) The spirit of this Section would be observed and substantial justice done by granting this variance.

(SEE ATTACHED)

FOR APPEAL REQUEST ONLY (may attach documentation)

Describe the alleged error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.

Owner/Applicant's Signature:



Date:

12/18/18

The variance from County Zoning Regulations (7.1.0.3 – YARDS) is being requested to reduce the 30-foot front yard setback in Suburban Residential-1 (SR-1) zoning on a portion of a proposed structure. The applicant wishes to construct an accessory building (shop/garage) adjacent to his existing home. There is limited space available on the property due to septic system drain field, underground utilities, and topography. Attached is an exhibit which shows the proposed site plan. The existing drain field is proposed to be relocated and the applicant is in the process of obtaining a permit for the relocation from the local health department. Please refer to the attached exhibit.

1. Explain how this variance request from the Cascade County Zoning Regulations will not be contrary to the public interest.

The requested variance, if granted will not be contrary to public interest as the impacts will be relatively minimal. It is difficult to find much history and reasoning behind large front yard setback requirements. Primarily, larger front yard setbacks are in place as a corridor preservation in the event there is unforeseen development in a particular area and roadways need to be widened to accommodate growth. The corridor preservation is also in place in the event municipal utilities are extended in the area to prevent costly relocations of structures. Larger front yard setbacks are also provided to protect adequate view triangles for intersecting roadways and private driveways so structures do not impede sight distances when exiting a driveway or turning on an intersecting roadway.

The existing roadway easement is approximately 30 feet on either side of the centerline of the roadway with the setback being an additional 30 feet beyond the easement. The structure encroaches on the front yard setback from 0.0' to 11.46' as one corner of the proposed structure is at the 30' setback and the other encroaches into the setback by 11.46' at the worst case. The encroachment still leaves 18.54 feet of setback distance at that location.

Given the spirit of the setback, the variance, if granted, should have no negative impact and not be contrary to public interest.

2. Describe where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Rolling Hills Estates was originally platted in 1976 with the subject property being Lot 1, Block 10 and it was 4.30 Acres in size. In 2007, a boundary line adjustment survey was done with an adjacent parcel adjusting its boundary into Lot 1, reducing the overall size to 2.915 Acres. The home on the property was constructed in 2007. In March of 2018, the applicant purchased the property and recorded a boundary line adjustment survey due to an encroachment by a neighboring property. Currently "lot 1" is 3.318 Acres in size.

Now, the applicant and current owner of the property wishes to construct a 40' x 60' shop on the property. Various areas on the property was considered for the construction of the shop and the best suited location for the shop was determined to be on the northeast side of the existing residence. The water well serving the property is located on the west side of the residence, thereby requiring the well to be relocated if placing the shop on that side of the residence was a consideration. A subdivision is

also being considered by the applicant to divide a parcel from the existing west side of the overall property.

The applicant is already faced with the relocation of the septic drain field and the possible relocation of an electrical line. Strict adherence to the regulations would require the applicant to place a significant amount of fill to support the shop. Building a structure on fill is not advisable due to differential settlement concerns and the expense of placing the fill.

3. The spirit of this section would be observed and substantial justice done by granting this variance.

The applicant believes that the spirit of the section will be observed as a significant setback distance and area is still available and the encroachment is minimal overall. The overall setback area along the frontage of this lot is 12,535.6 square feet with an approximate encroachment area of 228 square feet in the setback area, or 1.82% of the overall area.

The applicant wishes to construct a shop adjacent to the existing residence for a specific functionality so the existing driveway and improvements can be utilized effectively. Situating the structure on any other place on the property would prevent the applicant from using the shop as planned. Also, given the angle of the existing residence constructing the shop in complete compliance with the zoning regulations would create an odd angle between the two structures. Therefore, it is believed that substantial justice would be done by granting the variance.